

FILED

December 14, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
Docket No. BDSME 08245-2004S

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
: Administrative Action
MARCIA M. GONZALEZ, M.D. :
LICENSE NO MA42991 : **CONSENT ORDER**
:
TO PRACTICE MEDICINE AND SURGERY:
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") upon receipt of a complaint against Marcia M. Gonzalez, M.D. ("Respondent") that Respondent was indiscriminately prescribing CDS to patient D.C. A review of the prescription profile for patient D.C. indicated that during the approximate period of January 4, 2000 to June 26, 2000, she received a substantial number of prescriptions issued/authorized by Respondent.

The Board reviewed the medical file and billing record for patients D.C., R.D. and A.R. and the testimony of Respondent before a Committee of the Board on May 23, 2001. The Board was concerned about Respondent's judgment relative to psychological addiction of

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patient D.C. and to apparent transference issues in this doctor-patient relationship. Further, the Board was concerned about Respondent's clinical skills including but not limited to treatment of Lyme's disease.

On March 12, 2006, the Attorney General filed a Complaint that alleged that Respondent engaged in conduct that violated certain statutes and regulations governing the practice of medicine in the State of New Jersey. Respondent, through her attorney, filed an Answer to the Complaint denying the allegations and the matter was docketed at the Office of Administrative Law before the Honorable John Tassini, ALJ.

The Board has concluded that Respondent has deviated from accepted standards of medical practice in her care of patients D.C., R.D. and A.R., contrary to N.J.S.A. 45:1-21(c), (d), (e) and (h). Respondent accepts this conclusion.

Respondent Marcia M. Gonzalez, M.D. being desirous of resolving this matter without further formal proceeding, and the Board having determined that the within disposition is adequately protective of the public health, safety and welfare.

IT IS on this 2th day of ~~September~~^{December}, 2006,
EP 12/2/06

ORDERED:

1. Respondent Marcia M. Gonzalez, M.D.'s license to practice medicine is hereby suspended for a period of five years, the period of suspension to commence forty-five days from the filing of this

Order. The first year of the suspension, at a minimum, shall be active and the remainder stayed to be served as a period of probation, subject to the provisions of paragraph 2.

2. At the end of one year of active suspension, Dr. Gonzalez may apply to the Board to have the suspension of her license amended from active to stayed only upon the satisfaction of each of the following terms:

a. Dr. Gonzalez will undergo a focused evaluation to be conducted by an entity approved by the Board, through the Medical Education Director, and will fully and satisfactorily complete the entirety of the Education Plan issued by that entity. For purposes of the Consent Order, full and satisfactory completion of the Education Plan shall mean:

i. Dr. Gonzalez fully complies with all requirements of the Education Plan; and

ii. The approved entity conducting the focused evaluation has unconditionally stated in writing delivered to the Attorney General and to the Board that Dr. Gonzalez has satisfactorily and fully completed the Education Plan; and

iii. Dr. Gonzalez has undergone a complete Post-Education evaluation by the approved entity and the entity has unconditionally determined that Dr. Gonzalez is qualified to practice medicine.

b. Following the filing of this Consent Order, the Board

shall issue an appropriate Order granting Dr. Gonzalez such limited license to practice medicine as is necessary for Dr. Gonzalez to participate in and complete the Education Plan during the period of active suspension. Any Order granting such limited license may contain such terms and conditions as the Board may reasonably require to protect the health, safety and welfare of patients and the public.

c. The Board and the Attorney General will have full and complete access to any communications between Dr. Gonzalez and the entity approved for the focused evaluation and will have full and complete access to any recommendations or evaluations issued by that entity.

d. The Attorney General and the Board may provide to the approved entity, all or any part of the record of the matter before the Board, and before any committee of the Board, including but not limited to the Complaint, expert reports, statements of witnesses, and transcripts of proceedings. The Board and the Attorney General shall inform Respondent of the materials the Board and Attorney General submit to the approved entity and, upon request, shall furnish copies of such materials to Respondent.

e. Dr. Gonzalez must fully and satisfactorily complete the entirety of the Education Plan no later than one year from the commencement of the period of active suspension. In the event that Dr. Gonzalez fails to fully and satisfactorily complete the

entirety of the Education Plan by this deadline, the suspension of Dr. Gonzalez's license shall remain active until such time as the requirements have been met.

f. If the approved entity determines, for any reason whatsoever, that Dr. Gonzalez is unable or incapable of engaging in the practice of medicine without endangering the health, safety and welfare of any person, then Dr. Gonzalez shall be ineligible to have the active suspension amended to a stayed suspension, and the suspension of Dr. Gonzalez's license shall remain an active suspension, unless and until, all deficits are remediated.

3. If, during the period of active suspension, Dr. Gonzalez shall engage in any aspect of the practice of medicine in any other jurisdiction, including any other State of the United States or any foreign country, or shall engage in any aspect of the practice of medicine under the auspices of any governmental entity, such as the United States Veterans Administration or any branch of the United States Armed Services, other than that limited practice necessary to undertake the Educational Program, then the period of active suspension prescribed under this Order shall be extended for a period of days equal to the total number of days that Dr. Gonzalez engaged in such practice.

4. Subsequent to the time that Dr. Gonzalez participates in the Education Program and following the period of active suspension:

a. Dr. Gonzalez shall fully comply with whatever recommendations the approved entity may make with regard to practice restrictions.

b. Dr. Gonzalez shall not engage in the practice of medicine for more than a total of 40 hours a week unless otherwise approved by the Board.

c. Dr. Gonzalez shall engage a preceptor to be approved in advance by the Board, and such preceptor shall supervise Dr. Gonzalez for the initial year of any stayed suspension under this Consent Order. Such supervision will include, but will not be limited to, meeting with Dr. Gonzalez twice a month to review charts; reviewing sixteen of Dr. Gonzalez's charts a month; providing feedback to Dr. Gonzalez on her clinical decision making and her documentation skills; and providing monthly written reports to the Director of Medical Education of the Board of Medical Examiners with regard to Dr. Gonzalez's clinical decision making and documentation skills. The preceptor may not be a relative of Dr. Gonzalez.

d. Dr. Gonzalez shall submit to the Medical Director of the Board, once a month, copies of whatever medical records that the Medical Director of the Board may select for review.

5. During the period of active suspension,

a. Dr. Gonzalez will successfully complete a medical ethics

course approved in advance by the Board. For purposes of this Consent Order, "successful completion" of a course shall mean that Dr. Gonzalez attended all sessions of the course, fully participated in the course, and received a final evaluation of an unconditional pass.

b. In lieu of financial penalty of any kind Dr. Gonzalez will perform 250 hours of community service, which service must be in a non-medical setting approved in advance by the Board, and which service is to be completed by the end of the Order.

6. Dr. Gonzalez shall pay all of the costs of the Board with regard to this proceeding, including but not limited to, costs of investigation, expert witness fees and costs, attorney's fees and costs, and transcript costs, such costs totaling \$29,545.61. Said costs shall be submitted by certified check or money order made payable to the State of New Jersey and forwarded to the Board of Medical Examiners within one week of the filing of this Order, c/o William V. Roeder, Executive Director, State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625. With regard to such costs:

a. Dr. Gonzalez shall pay the amount of costs, plus interest at the judgment rate as prescribed under R. 4:42-22, by the end of this Order. There will be twenty (20) equal payments, the first such payment to be due 30 days after the filing of this Order and

each subsequent payment to be due on the first day of each third month.

b. The Board will file a Certificate of Debt for the amount due under this paragraph, such Certificate to be cancelled upon payment in full of the amount of costs fixed by this paragraph.

c. If Dr. Gonzalez shall fail to make any timely payment required under this paragraph, the Board may, in its sole discretion, accelerate the entire amount then outstanding and demand immediate payment of such amount. The failure of the Board to so accelerate the amount due or to so demand payment shall not constitute a waiver or release of any claim, remedy or right that the Board may have under this paragraph.

7. This Consent Order shall be a full final disposition of the Complaint. The Board shall retain jurisdiction to enforce the terms of this Order.

8. This Order shall be a full, complete and final resolution of the matter now pending before the Office of Administrative Law entitled In re Marcia M. Gonzalez, M.D. (Docket No. BDSME 0824-2004S), and the parties hereby consent to the Office of Administrative Law closing the matter and returning the matter to the Board.

9. Dr. Gonzalez shall fully comply with the Directives for Disciplined Licensees attached hereto as Exhibit A and made a part hereof.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: Sindy Paul, MD
Sindy Paul, M.D.
President

I have read the within Order. I understand the Order and I agree to be bound by its terms and conditions. I hereby consent to the entry of this Order.

Marcia M. Gonzalez, MD Dated: 10/31/06
Marcia M. Gonzalez, M.D.

We hereby consent to the form and entry of this Order.
Wahrenberger, Pietro & Sherman
Attorneys for the Respondent
Marcia M. Gonzalez, M.D.

By: John Pietro, Esq. Dated: 11/3/06
~~John~~ Pietro, Esq.
JOHN

Stuart Rabner
Attorney General of New Jersey

By: Kathy Stroh Mendoza Dated: 11/14/06
Kathy Stroh Mendoza
Deputy Attorney General